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ABSTRACT

Included in this report on the New Mexico Office of Indian Affairs are brief sections dealing with: the Agency's background; past projects and future goals; the Research and Statistics Center; projects under consideration; and the Agency's Tribal Liaison Officer, Tribal Relations Specialist; and Planner. Cited as major Agency accomplishments during the 1975-77 period are: publication of a study titled "Taxation and Indian Sovereignty"; sponsorship of the "New Mexico Tribal Governments State Administration Seminar"; and service on the Cochiti Area Road Committee. Implemented in February of 1977, the Office's Research and Statistics Center is described in terms of its five current projects: employment counseling survey; market survey for the Navajo Shiprock Agency; "Handbook of State Assistance to Indian Reservations"; 1980 census planning (separate tribal data); and development of a data and general reference library. Subjects under consideration for the coming two years are identified as: periodical reports and newsletters; cultural awareness programs; projects to help arts and crafts people; joint statistical studies with the Division of Indian Education; data updated on State expenditures on the taxation of Indian tribes; census planning; library increases; better employment counseling; assistance with grant applications; library of cultural awareness photographs; computerized data retrieval system and word processor; and methods for handling problems that affect tribal or state government or both. (JC)

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ED15245

STATE OF NEW MEXICO

OFFICE OF INDIAN AFFAIRS

PROGRESS REPORT

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Jerry Apodaca
Governor

JUNE, 1977

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N.M. Office of Indian Affairs

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

RC 010413

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OFFICE OF INDIAN AFFAIRS
PROGRESS REPORT

Introduction

The New Mexico State Legislature, in 1975, redefined the functions of the Commission on Indian Affairs; 73-31-5. of Statute was reappealed and a new Section 73-31-5. was enacted to read:

> "The Commission shall investigate, study and consider the entire subject of Indian conditions and relations, within the state of New Mexico including but not restricted to problems of health, economy, education, legislation and government. For such purposes, the commission may hold hearings, make investigations and confer with officials of local, state and federal agencies in order to secure cooperation between the federal, state and local governments in the promotion of the welfare of the Indian people. The commission shall be the coordination agency for inter-governments and state agencies and for this purpose shall be known as the Indian Desk for the state of New Mexico. The commission shall have the authority to accept and receive gifts, bequests and devises for use in furthering the purpose of the commission."

The **Commission** on Indian Affairs is composed of ten members whose status is that of non-salaried public officials (see Appendix A). The **Office** of Indian Affairs is the administrative arm of the Commission and is staffed by eight state employees, with three exempt

and five classified positions. The function of the Office of Indian Affairs is to implement the resolutions made by the Commission members.

In addition, the Office, with the approval of the Commission, can initiate projects of its own. This flexible setup makes it possible for individuals to contact either the Office or a Commission member in order for their requests to receive consideration. (see Appendix B for a list of the office staff). Since all actions must have the approval of the Commission, throughout this report the terms Commission, Office, and Agency will be used interchangeably. In every case projects would actually be implemented by the Office staff.

The Commission on Indian Affairs and its Office will be affected somewhat by the Governor's Reorganization. Full implementation of the new status will take place by March, 1978. According to the language of House Bills 4 and 9, the Office of Indian Affairs is to be "administratively attached" to the Department of Human Services. Appendix C contains quotes from the relevant paragraphs of this legislation. It also contains an organizational chart of the new status of the Office of Indian Affaris.

The present policy of the Commission on Indian Affairs, and that administered by its office staff, is one of wholehearted support of tribal sovereignty and self determination. In addition, the Commission stands behind all Indian owned and operated enterprises that seek to develop natural resources on Indian land. The Commission holds that Indian economic development is the key to Indian self determination (see Appendix D). The Commission endorses laws that protect the

integrity and purity of Indian arts and crafts.

The Commission, through its office, takes the position of offering help to individuals and tribes who ask; and of disseminating information to tribes who would benefit from the information or who could not otherwise obtain it. The Office has expertise in the areas of administration; employment counseling; grants applications; planning; the State legislature; statistics; data gathering and utility of existing data; and where to find specific information.

The Office, in addition to serving as a resource for Native Americans specifically, keeps the State Government apprised of the situation with regard to the needs and desires of the Indian people. It seeks to redress grievances in either direction by being the intermediary between state and tribal government. The Office seeks to coordinate its efforts with those of the involved federal agencies, also. The Office provides valuable insights to federal decision makers who are working on national policies that have problems unique to New Mexico, such as the 1980 Census planning and certain aspects of welfare reform.

PROJECTS AND GOALS

The organizational structure, function, and policy stance of the Commission and its Office are outlined above. This section deals with the specific projects accomplished, now underway, or in the planning stage by the Office of Indian Affairs. The bulk of this discussion will be about planned projects because the Office has only recently attained a full staff of eight people (May, 1977). There were three major accomplishments during the last two years. In April, 1975,

the Commission contracted with the American Indian Law Center at the University of New Mexico College of Law to publish a tax study titled **Taxation and Indian Sovereignty.** For the first time, in the State of New Mexico, the complicated subject of law, with regard to the taxation of Indian tribes, was addressed. The document is in its second printing and is serving tribes as a working outline of tax law versus the right of Indians to govern themselves. Copies are available at the Office of Indian Affairs.

The second milestone reached was the Office of Indian Affairs sponsored "New Mexico Tribal Governments State Administration Seminar" held in February, 1977. Although the seminar was not called an unqualified success by Indian leaders, it was a highly significant first step toward a better understanding between tribes and the State Government. Many heads of state agencies were present and were directly exposed to the valid complaints that Indians have. They were put into a better position to understand the problems that Native Americans face in New Mexico. What many tribal leaders must realize is that this was only the first step — the hardest — and that future seminars held with individual agencies will bear more fruit. The three major (and controversial) issues addressed (taxation, arts & crafts and Indian education) were hardly those that could be successfully worked out in two days, anyway. The Office has plans for future meetings to chip away at the myriad problems facing Native Americans in New Mexico (see Appendix E for a summary of the seminar).

The third project in which the Office of Indian Affairs played a role was the Cochiti Area Road Committee which served to work out details of the relocation of

the road UP-90 between the Cochiti area and Interstate 25 between Santa Fe and Albuquerque. The Commission unanimously adopted a resolution on January 17, 1975 to "cooperate with officials of Pueblo de Cochiti and other interested parties to have an alternative route constructed to serve the needs of the Pueblo de Cochiti and surrounding communities."

The Executive Director of the Office of Indian Affairs, Joe H. Herrera, served on the Cochiti Area Road Committee during the two years that plans were formulated. The Office acted as a coordinator among the many agencies involved. The most recent meeting of the Cochiti Area Road Committee was held November 5, 1976, and since the minutes of that meeting summarize the present status of the UP-90 relocation, they are included as Appendix F.

Another accomplishment — actually an ongoing process — is the large amount of employment counseling done by the office. The counseling is performed by the Tribal Relations Specialist in most cases. It serves to orient Indians looking for jobs and to direct them to open positions. Affirmative action is not yet a reality; therefore, employment counseling is helping to prepare the Indian applicants for the pitfalls and apathy they must face in their job search. The sympathetic support they get in the Office may be helping them. The Office is presently attempting to quantify the assistance given them in this area (see also the section on the Research and Statistics Center).

The following sections outline the current projects and goals of the office in the areas of research and statistics; liaison work; and planning. They correspond roughly to the positions of Statistician; Tribal Liaison Officer; Tribal Relations Specialist and Planner, but

there is a lot of overlap and team effort involved. The Executive and Deputy Directors oversee and orchestrate these areas of effort.

RESEARCH AND STATISTICS CENTER

The Office of Indian Affairs implemented a research and statistics section in February, 1977, to establish a central depository of information pertaining to Indian economic development and to establish a data base of demographic and economic statistics to assist concerned decision makers in pursuing their objectives. There are five major projects underway in the office regarding statistics and research:

1. **Employment counseling survey.** A card was designed and printed that, when filled out, gives basic information on the job applicant and what type of work he or she is seeking. A follow up section is to be used several weeks or months later to indicate whether the applicant's search was successful, and if not, why not. These statistics will provide feedback about the effectiveness of counseling as well as areas of needed emphasis, and will help to point out policies and procedures in the State personnel system that need restructuring if affirmative action is to become a reality.
2. **Market survey for Navajo Shiprock Agency.** The Youth Development people in the Shiprock Agency are using college students to take a statistical survey during summer, 1977. At their request, the Office of Indian Affairs statistician is designing a survey aimed at the possible markets in the area that would use a proposed shopping center in Shiprock. Adaptations of the

Shiprock Survey are also being used in the Window Rock and Redrock, Arizona areas.

3. **Handbook of State Assistance to Indian Reservations.** A Handbook of State services to Indians has never been published. Since there is a need for such a book, the Office of Indian Affairs is publishing it in the summer of 1977. It will contain a brief summary of each agency's service; names, addresses and telephone numbers of contact people. Listings of each tribe will facilitate contact in the opposite direction.
4. **1980 Census planning.** Efforts are now underway to persuade the 1980 Census people to implement several changes that would make the sovereign tribes able to obtain data sorted by their tribal membership and separated from the data in surrounding areas. The fact that income data was virtually unavailable in the 1970 Census by tribe is one problem to be remedied. The questions that are continually asked about urban Indians will also need to be answered. The Office of Indian Affairs has established contact with the State, Regional, and National 1980 Census planners and is aggressively disseminating information and suggestions. (See Appendix G)
5. **Library.** A data and general reference library is being established. Books of general information about Indians and Indian tribes are being ordered. Presently, a working library of 1970 Census information, Office of Revenue Sharing data, and technical texts on survey techniques are arriving. A fairly complete set of Navajo Office of Program Development publications has been compiled. Shortly, these works will be cataloged and shelved.

TRIBAL LIAISON OFFICER

The Tribal Liaison Officer came on board in May, 1977. The goals of the Liaison Officer are the initiation and maintenance of workable linkages between the Office of Indian Affairs and the tribes. The Liaison Officer seeks to define critical need areas within the tribes that can be addressed by this office or another agency; and to focus the best expertise obtainable upon those problems. The Liaison Officer is instrumental in forming workable relationships between tribal and state governments in that he is the primary state contact for a tribe that wants assistance in the planning, implementation, or evaluation of a particular program. The objectives and priorities of the liaison work will be reevaluated every three months. This way, new goals will emerge along with a measure of the accomplishments of each program for which assistance was rendered. Priorities will be determined on the basis of the results of such an evaluation. Questions asked in the evaluation of each project will be:

1. Is the project succeeding? Why or why not?
2. Were the short term goals met? If not, why not?
3. At completion, how will it affect the tribe? The State?
4. Have new priorities emerged? Has the priority of this program changed? How?

Each program will be evaluated quarterly as it develops from early stage planning through implementation, and on to the final results. In this way, the Liaison Officer will provide the necessary feedback to determine which projects are successful and he will also serve to initiate adjustments and communicate new ideas at the tribal level.

TRIBAL RELATIONS SPECIALIST

The Tribal Relation Specialist has the primary responibility of improving the interaction between the Indian people and the State Government. The realm in which he operates is not unlike that of the Tribal Liaison Officer, but is more task specific rather than idea oriented. The operation during the last two years has been in the areas of:

1. **Education.** Tasks included: assistance in the drafting of legislation to establish the "Division of Indian Education" in the State Department of Education; recruitment of qualified Indian educators to staff the Division; and assessing 24,000 Indian pupils' needs in 22 school districts from four tribal groups.
2. **Employment.** Employment counseling for Native Americans in State Government initiated November, 1976; filled 80 CETA Title II slots, (36 are permanent); initiated Summer Intern Program within OIA. Employment referrals coordinated through State Personnel Public Service Careers, Manpower and All Indian Pueblo Council.
3. **Arts and Crafts.** Assisted in strengthening protective legislation for Indian Arts and Crafts; worked with Attorney General's Consumer Protection Agency, retailers and Indian craftsmen concerning this legislation (H.B. 19).
4. **Voter registration.** Assisted in registration of 4000 new Indian voters and conducted voter education seminars; worked in conjunction with the Secretary of State's office in project.
5. **Information.** The Tribal Relations Specialist, like the Tribal Liaison Officer, will seek to make tribes aware of resources within OIA and other agencies where they may obtain assistance.

PLANNER

The Planner will accomplish the goals to do with cultural awareness, grant application assistance and the other programs that are comprehensive enough to warrant advance preparations. She will also develop an overview of the office functions and suggest ways to make the administrative task more efficient and effective. Planning the office needs in time, money and equipment, and serving as an advisor to the Deputy Director in these matters will be part of the job. The Planner will also be in charge of the office library and will develop a general bibliography and card catalog of all subjects to do with Indians in New Mexico and also nationwide. She will direct the Summer Intern in tasks that will benefit the office effort. The Planner will also augment the published liaison work by development of an "Introduction to State Government Seminar" to be offered to tribal governments in conjunction with the **Handbook of State Assistance to Indian Reservations.** This thrust will help to make the tribes aware of the expertise and resources available at the state level of government and enable them to utilize them to the greatest extent possible.

PROJECTS FOR THE NEXT TWO YEARS

Some of the subjects to be addressed during the next two years include:

_____ Reports and Newsletters periodically
_____ Cultural Awareness programs
_____ Projects to help Arts and Crafts people
_____ Joint statistical studies with the Division of Indian Education
_____ Data updated on State expenditures on and taxation of Indian tribes
_____ Census planning (see Appendix G and H)
_____ Library increased
_____ Better employment counseling
_____ Assistance with grant applications
_____ Library of cultural awareness photographs
_____ Computerized data retrieval system and word processor
_____ Develop methods for handling problems that affect Tribal or State Government or both

APPENDIX

APPENDIX A
NEW MEXICO OFFICE OF INDIAN AFFAIRS OFFICIAL ROSTER
As of June 2, 1977

NAME	APPOINTED	EXPIRATION DATE	ADDRESS
Edward T. Begay, Chairman (Member Navajo Tribal Council)	7-29-75	6-30-80	1105 Martinelli Drive Gallup, NM 87301 Bus. - (602) 871-4941 Ext. 378 Home - 863-3113
Joe Baca, Vice Chairman (Executive Director, All Indian Developmental Association	6-2-75	6-30-78	General Delivery Santa Clara Pueblo, NM 87532 Bus. - 243-9773 Home - 898-0226
Joe A. Quintana, Secretary (Director, Career Development and Personnel)	9-8-76	6-30-78	P.O. Box 65 Cochiti Pueblo, NM 87041 Bus. - 465-2211/2212 Home - 465-2945
James D. Atcitty	7-29-75	6-30-78	P.O. Box 186 Shiprock, NM 87420 Bus. - (602) 774-5261 Ext. 1376/1377
James T. Nahkai, Jr. (Director, Office of Revenue Sharing, Window Rock, Az.)	7-29-75	6-30-78	P.O. Box 118 Tohatchi, NM 87325 Bus. - (602) 871-5516 Home - 733-2210
Cedric F. Second (Mental Health Technician)	7-29-75	6-30-78	P.O. Box 386 Mescalero, NM 88340 Bus. - 671-4658
Dr. Anne M. Smith (Presently working on a book on Great Basin myths)	6-30-75	6-30-80	700 Camino Lejo Santa Fe, NM 87501 Home - 983-5720
Bonifacio M. Tabet (Educator)	6-30-75	6-30-80	512 Becker Belen, NM 87002 Home - 864-4277
Richard Tecube (Economic Development Planner)	7-29-75	6-30-80	P.O. Box 147 Dulce, NM 87528 Bus. - 759-3242/3247

APPENDIX B

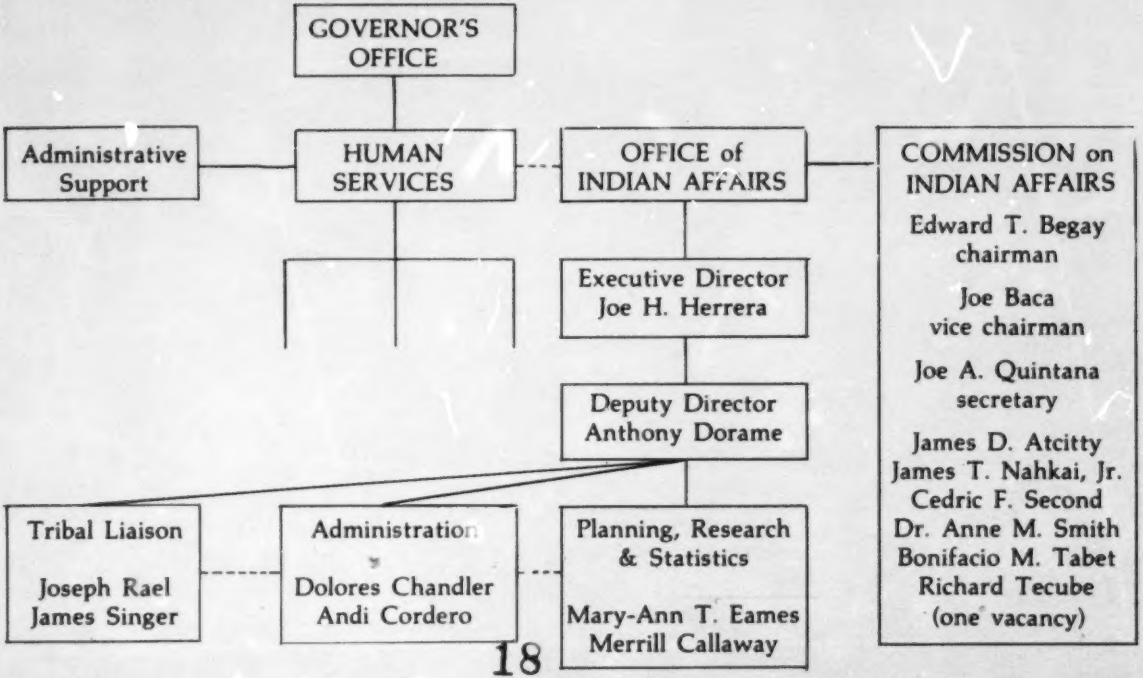
OFFICE OF INDIAN AFFAIRS STAFF

May, 1977
Telephone (505) 827-2762

Joe H. Herrera, Executive Director
Anthony M. Dorame, Deputy Director
James Singer, Tribal Relations Specialist
Merrill Callaway, Chief Statistician
Joseph E. Rael, Tribal Liaison Officer
Mary-Ann T. Eames, Planner
Dolores Chandler, Administrative Secretary
Andi Cordero, Secretary

Organizational Structure of the Commission on Indian Affairs

(APPENDIX C)



(APPENDIX C CONT'D)

(Portions not relevant to Office of Indian Affairs deleted)

HOUSE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR HOUSE BILL 4

33 LEGISLATURE — STATE OF NEW MEXICO— FIRST SESSION, 1977

AN ACT

RELATING TO THE REORGANIZATION OF THE EXECUTIVE BRANCH OF GOVERNMENT: CREATING AN EXECUTIVE CABINET: CREATING CABINET DEPARTMENTS; DEFINING POWERS AND DUTIES OF DEPARTMENT SECRETARIES; PROVIDING FOR THE ABOLITION OF AGENCIES AND TRANSFER OF POWERS; AND PROVIDING FOR THE ALLOCATION OF FUNCTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 7. An agency attached to a department for administrative purposes only shall:

(1) exercise its functions independently of the department and without approval or control of the department;

(2) submit its budgetary requests through the department; and

(3) submit reports required of it by law or by the governor through the department.

B. The department to which an agency is attached for administrative purposes only shall:

(1) provide, as mutually agreed, the budgeting, recordkeeping and related administrative and clerical assistance to the agency; and

(2) include the agency's budgetary requests as

submitted in the departmental budget.

C. Unless otherwise provided by law, the agency shall hire its own personnel in accordance with the Personnel Act.

HOUSE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR HOUSE BILL 9

33rd LEGISLATURE — STATE OF NEW MEXICO — FIRST SESSION, 1977

AN ACT

RELATING TO ORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT; CREATING A HUMAN SERVICES DEPARTMENT; REVISING EXISTING LAWS RELATING TO HUMAN SERVICES; AMENDING, REPEALING AND ENACTING CERTAIN SECTIONS OF THE NMSA 1953.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. **(NEW MATERIAL)** SHORT TITLE. — Section 1 through 15 of this act may be cited as the "Human Services Department Act".

Section 2. **(NEW MATERIAL)** DEFINITIONS. — As used in the Human Services Department Act:

A. "department" means the human services department created under the Human Services Department Act; and

B. "secretary" means the secretary of the department.

Section 7. **(NEW MATERIALS)** SECRETARY — DUTIES AND GENERAL POWERS. —

A. The secretary is responsible to the governor for the operation of the department. It is his duty to manage all operations of the department and to administer and enforce the laws with which he or the

department is charged.

B. To perform his duties, the secretary has every power implied as necessary for that purpose, or expressly enumerated in the laws, whether granted to the secretary or the department, or any subdivision or subordinate therein, except where authority conferred by statute upon any subdivision or subordinate therein is explicitly exempted from the secretary's authority by legislation enacted by the first session of the thirty-third legislature. In accordance with these provisions the secretary shall:

(9) hold meetings with division director and administratively-attached agency and adjunct agency heads to:

(a) advise the secretary on problems;

(b) coordinate activities;

(c) establish liaison and increase communication between division directors and agency heads;

(d) investigate problems of public policy;

(e) study department performance and recommend methods of increased cooperation;

(f) review policy problems and recommend solutions;

(e) strive to minimize and eliminate overlapping jurisdictions and conflicts; and

(h) assist the secretary in defining policies and programs to make the department, the administratively-attached agencies and the adjunct agencies responsive to the needs of the people.

Section 9. **(NEW MATERIAL)** — ADMINISTRATIVELY ATTACHED AGENCIES, — The human rights commission, the office of Indian affairs and the commission on status of women are administratively attached to the department in accordance with the Executive Reorganization Act.

(APPENDIX D)

OFFICE OF INDIAN AFFAIRS

SUMMARY OF BIA-AIPC SPONSORED SEMINAR BY MR. JOHN TOBIN, GENERAL MOTORS, ON "WHAT INDUSTRY LOOKS FOR IN A COMMUNITY AND AN INDUSTRIAL SITE" — HELD FEBRUARY 28, 1977 AT INDIAN PUEBLO CULTURAL CENTER (IPCC), ALBUQUERQUE

Mr. John Tobin, Administrator of Industrial and Commercial Real Estate for General Motors, was introduced by Bob Huey, BIA Industrial Development Division, Chicago. Delfin Lovato, AIPC Chairman, delivered a welcoming address. The main points of Mr. Tobin's talk follows:

There are generally two main criteria used in the initial steps of relocating industry in another community: the **need** for the industry to relocate; and the **interest** of the community in absorbing new industry. An industry might need to relocate because of expansion or new products and markets. The criteria for plant location have changed dramatically in recent years. No longer is location within the populous areas of the country the main consideration. Mr. Tobin listed the following six criteria as currently most important to plant locations:

1. **Energy** — availability and amounts of gas and electricity.
2. **Environmental constraints** by State and EPA-pollution standards affect mostly heavy industry with its large amounts of effluents and emissions.

3. **Freight** — the logistics of getting the product to market with a minimum cost.
4. **Labor, skills and wages** - Unions (or lack of them); present skills and availability of training-funding and local wage scale affect placement of plants.
5. **Plant site** - A minimum of cut-and-fill; square shape; location near transportation (highways, r.r. and airline); stability of soil; proximity of sewers and water and utilities; storm runoff easily drained; work force nearby are all desirable factors in selection of a site.
6. **Political climate** - Existing and proposed legislation; zoning; taxation structure; community interest and willingness to back up commitments; and cooperation of gas, electric, water and sewer authorities. Above all, does the community **want** industry? Can community meet its own needs? (Fire, hospital, sewer, etc.)

Mr. Tobin said that 75% of the U.S. population inhabits one third of the land area. The trend, however, is for industry to disperse and spread throughout the country. A sense of scale or proportion is still important, because it has been proved that a large company that is nearly the sole employer in an area creates an unhealthy political and economic environment.

The General Motors Community Analysis Section reviews initial data and then sets about making **confidential** contacts within the community. Confidentiality is important in order not to mislead the community or to create the burden of a climate of speculation where there is still a possibility of any action on the plant being abandoned. Keeping a low profile, the Analysis people visit the chamber of

commerce, railroads, utilities companies, etc. The above mentioned six items are studied in detail at the local level to provide a "nuts and bolts" feeling for proposed plant area.

After the general area or city is selected, a site analysis is begun. Imagination and investigation play an important role because not all sites are apparent. The existing and **proposed** infrastructure is examined in detail at the alternate locations. Highways are vital. Railroads, air and truck transportation are investigated. Water is vital. Volume and pressure requirements are checked. Loop (alternate source) systems are necessary for adequate fire and emergency use. Sewer adequacy is a necessary adjunct to water supply planning. Power and gas are necessary. Rate cost of service, capacity, loop supply, and all details are checked. Topography maps by USGS are analyzed for cut and fill cost estimates. Soil core samples for soil weight bearing factors are taken and analyzed. Observable clues about soil characteristics such as rock outcrops, swamps, etc. are utilized in the cost analysis. Flooding susceptibility is not acceptable. Army Corps of Engineers data determines whether land floods or not. Non-physical features that are considered are land cost, site preparation cost, anti-pollution ordinances and restrictions and zoning. The "perfect" site does not exist, but Mr. Tobin pointed out that his team attempts to minimize costs and direct disadvantages and maximize benefits to the company and the community. Objectivity is important here but difficult to obtain as each person's input can contain a bias in favor of their own interests.

The community selected for industrial development will have the following attributes:

1. Responsibility for and follow through on

commitments made by any local authorities.

2. Utilities and sewers in place of a firm commitment for providing them.
3. Employees, skilled and unskilled; funds and/or programs for training them.
4. Favorable local government behind the idea of a new industrial plant.
5. Having all relevant facts available in a presentable form for use by the company in evaluating the site, utilities, resources, work force, infrastructure, etc.

An outline of what the pueblos could do towards industrial development was given:

1. List assets.
2. Reason and benefits for industry to locate on reservation.
3. Determine **type** of industry to attract.
4. Become trained for the type of work wanted on reservation.
5. Match skills already present with interest.
6. Attract labor-oriented rather than machine (capital) oriented industry.
7. Be specific - go out to attract a **certain** industry.
8. Sell your location, the recreation opportunities, the sunshine, climate, scenery and the overall "escape from the rat race" feature.
9. Identify products and markets before investment.
10. Sell whatever resources available: human and natural (coal; gas; geothermal energy; solar).
11. Seek out small operations to avoid overwhelming impact. Those with lots of energy (e.g. Jicarillas) attract energy users (e.g. glass plant that uses lots of gas which tribe could sell to them).

12. Identify sites. Make detailed plans and/or model building such as warehouse. Make detailed transportation/infrastructure cost studies. Plan for future utilities and sewer/water facilities.
13. Identify economic programs and funding available for these or training programs.
14. Politics - describe in detail the tax, legislative, and other benefits of the reservation.
15. Describe environmental constraints both local and federal that apply to the area.
16. Publish an Action Plan.
17. Find the **top** people in companies. Reach for the people that can make a firm decision in industry. Get them to visit the reservation.
18. Show above all that there is an **economic incentive** for a business to relocate on Indian land.

Other comments and facts of interest presented included:

1. Paul Roessler, BIA, Washington, mentioned that the Industrial Development Program of BIA was wooing Japanese companies and the "Big Three" automobile manufacturers in the U.S. about Indian industrial development.
2. Zuni has a presently unoccupied industrial park and building. A motel and shopping center are planned.
3. The Ute Tribe has a solvent, successful pottery business on a reservation. They grossed $50,000 in June and employ 30 people.
4. DOD presented a slide show about New Mexico development. An interest was expressed for a similar show for Indian development. DOD and BIA offered their resources for the venture.

(APPENDIX E)

OFFICE OF INDIAN AFFAIRS

Tribal Governments-State Administration Seminar
February 10 and 11, 1977, Summary of Issues

Taxation Panel. There were two basic Indian points of view expresssed: that of the All Indian Pueblo Council New Mexico Indian Tax Study Commission and that of the Navajo Tax Commission. The AIPC's approach is one based upon the **legality** question. By starting with their handbook of basic legality of state, federal and Indian taxation, the AIPC hopes to avoid undue litigation and establish general guidelines that can be useful to the nineteen pueblos. They feel that to prepare an actual tax collection plan useful by all the pueblos is not the first step and would not be feasible without sound legal and jurisdictional basis.

The Navajo Tax Commission, on the other hand, has taken a pragmatic approach toward taxation and will implement three taxes and prepare for a legal battle. Their three taxes are justifiable on the grounds that they do not duplicate any existing state or federal tax. Their three taxes are 1) a possessory interest tax; 2) a business enterprise tax (value added tax) and 3) a pollution emissions charge (on power plants mainly). All three taxes are net taxes and are not predicted to adversely affect businesses.

The Bureau of Revenue presented the view that they can tax unless prevented by state law specifically. They apparently do not recognize Indian sovereignty unless forced to by specific litigation.

ARTS AND CRAFTS PANEL. The main issue is the problem of enforcing existing laws against representing of products that imitate or purport to be

"Indian." There are problems with enforcing labeling and defining craft items both Indian and non-Indian.

There are legal problems with Indian street merchants who have recently not been allowed to sell along the streets by police enforcing ordinances at odds with the traditional practices of selling along the street.

Indian craftsmen further feel that their inability to obtain Non-taxable Transaction Certificates for their wholesalers of jewelry raw materials is unfair discrimination by the Bureau of Revenue.

The reasons given as the causes of the problem are lack of funds to enforce laws, public and State Government apathy and greed.

EDUCATION FOR INDIANS PANEL. There is the main problem that an Indian child entering school knows no English and suffers a learning lag of about three to six years while gaining proficiency in English. The bilingual programs are grossly underfunded and would serve only to delay the inevitable learning of English, anyway.

The school system in general is not sensitive to individual student needs and the problem is most severe with Indians because of their unique culture and language. There is a strong conviction among Indian people that the history taught in school is at best presented with an unfair lack of emphasis placed on Indian history and at worst warped by a pro-"dominant society" bias that misrepresents the Indians and their culture. The Indian language is ignored by the state and city school systems. There is a distinct lack of misrepresentation by Indians on local school boards and in powerful government positions. This affects the the whole Indian community. There were many other

inequities cited, but no specific remedies offered. One general remedy was for more Indians to vote.

GENERAL DISCUSSION. The number one topic was Indian sovereignty or the right of self-government by Indians. Tribal courts should be recognized. Indian lands should be under **Indian** jurisdiction. Indians should have a voice in policy decisions that affect them. The State legislature does not understand nor does it recognize in practice tribal sovereignty.

There was great disappointment and even anger that the State Government was so poorly represented at the meeting. Only three or four agency directors were present and those were from agencies of lesser importance to Indians.

The Indians time and again reiterated that they were willing to cooperate and negotiate with State Government, but that the reverse was not true. It was brought out in the cultural awareness lecture by Joe Sando that the Indian people's patient, non-aggressive, non-materialistic and present-oriented life-style makes it difficult for the "dominant society" to understand them.

(APPENDIX F)

COMMISSION ON INDIAN AFFAIRS

Meeting Concerning Design, Construction and Reconstruction of State Road 22 (UP-90) Project

Present were officals from the following agencies:

New Mexico State Highway Department
Bureau of Indian Affairs
United States Forest Service
Federal Highway Administration
Pueblo de Cochiti
New Mexico Commission on Indian Affairs

Others: Cochiti Lake
Great Western Cities, Inc.

Meeting convened at 8:10 a.m., Friday, Nov. 5, 1976.

The purpose of the meeting was to review the draft of the "Memorandum of Agreement" between and among the agencies named above.

The proposed permanent road alignment is essentially the same as outlined in the "Location Study Report for UP-90 Relocation," which was made by the Design Division of the New Mexico Highway Department and completed on February 10, 1975.

The permanent road will connect to the Tetilla Peak Recreation Area Access Road currently under construction by the Corps of Engineers. The connection between UP-90 (or State Road 22) relocation and US-85 or I-25 will be 2,000 feet up from the base of the La Bajada Hill escarpment or where the Santo Domingo boundary traverses Highway 85 and will be marginal with respect to safety of the traveling public.

It is estimated that the UP-90 relocation project completion will take from 2-2½ years. The reasons for the

delay are as follows:

1. It will take from 30-60 days for the environmental impact statements to be completed.
2. If necessary, it will take another 30-60 days to hold public hearings.
3. It is estimated that there are presently six (6) archeological sites on the proposed road. Mitigation will take from 1 week-6 months.
4. Currently, there is litigation between Mr. Thompson (re Thompson Ranch land) and the Highway Department. Relocation of UP-90 will require acquisition of an additional 9 acres of right of way. This is the only right of way that will require expenditure of funds. The Forest Service and the Highway Department will donate the balance of the required right of ways. The Highway Department desires to make a one-shot deal with Mr. Thompson. The permanent order for condemnation of 9 acres of the Thompson Ranch land will probably take about 45 days.
5. The proposed alignment crosses the easement of the Plains Electric transmission line and the Mountain States Telephone toll line. One Plains Electric pole structure has to be moved and two taller poles will need to be installed and one structure will need to be relocated.

The high cost or expenses for archeological work may create some problems, however, State Highway officials felt the $1,540,000.00 funding should take care of all the necessary expenditures for the road project.

Suggested modification of the Memorandum of Agreement will be finalized on Wednesday, November 10, 1977, and will be immediately distributed to all

concerned for signatures. The Memorandum is self-explanatory regarding each parties' obligations.

(APPENDIX G)

TRIBAL GOALS AND 1980 CENSUS PLANNING

There are several very important reasons why the Indian tribes of New Mexico ought to start defining their goals for the next five years more explicitly. First, there is a **time frame** involved in any data gathering process. Second, goals as to what the data will be used for are imperative, since it would be frustrating to get very far along in a planning effort and find that certain necessary information had not been obtained. Third, there is a very critical problem of difficulty in obtaining **any** good statistics for Indians.[1] Fourth, there is the problem of consistency and credibility of data - each source of data with its own definition of "Indian" and its own methodology will necessarily have difficulty with its alignment to other statistics. The picture is further clouded by the relative credibility weight or prestige of the organization gathering the data - in other words, Bureau of the Census data is likely to be accepted more often than a tribe's self-count **independent** of the accuracy; simply because the Census is official.

For the above reasons, the following outline may help the tribes realize their long range goals more easily.

1. Each tribal government will need to formulate a set of **goals**, explicitly stated, as to where they would like to be by 1985. For example, **welfare** administered by tribe, and not State or BIA. **Economic Development** of the small business type (e.g. Bus and limosine service connecting Taos, Santa Fe, Albuquerque; landscaping service in Albuquerque; small ceramic plant to produce

[1] See the American Indian Policy Review Commission **Tentative Final Report**, Chapter 3B, pp. 3-21 to 3-44 for an excellent description of the problem.

hand painted dinnerware; TV set assembly plant; etc.). **Infrastructure:** Estimated improvements to or construction of roads, buildings, sewers, etc. needed to make the above possible. Estimated costs. **Taxation:** a plan for taxation, if any. **Manpower/training** necessary to Indian own and operate the businesses and staff the tribal welfare administration. What data is necessary to do this? Who will need to use this data? How accurate will it be?

2. Each tribe needs to be made aware that demographic data such as the Census gathers in essential to all types of planning whether for economic development or welfare programs. Further, the tribes need to be aware of the trade-offs involved: planning efforts **now** are traded for results geared to their goals **later**. A tribe may not be ready to implement development now but they need to think ahead to what they want later. A definite time lag is involved.

3. The Bureau of Census planning for the 1980 Census is therefore crucial **now**.

The deadlines are near the end of the 1977 calendar year for all major changes needed. Maps of areas will be finalized in September, 1977. The tribes and the AIPC ought to agree that aiming for the collection of usable data in the 1980 Census is the least painful way to obtain data for tribal planning: the Census, remember, will be taken regardless of the input from Indians. They might as well try to make the Census serve their needs better than it did in 1970. Also, Census data will be the most credible and authoritative data.

4. The Indians in urban areas have not been adequately addressed by the Census. There needs to be a "tribal affiliation" question for urban Indians. In most cases tribes on reservations want to establish links or at

least be aware of the situation with **their** people off reservation. "Indian" is not enough of a label. There ought to be a "tribal affiliation" question and data ought to be available sorted by tribe for urban Indians. Tribes are reaching out more and more for their members-at-large to invite them to come home and help develop the tribe's resources and bring them closer to parity with the rest of the nation. In addition, this data would point to progress or lack of progress in the areas of education, civil rights in employment and work experience.

5. In order to get the Census Bureau to collect the data in a form suitable for Indian tribal self-determination, it needs to be collected by **tribe** and **reservation** rather than by Census County Divisions (CCD's). Presently a CCD is the smallest unit available for income and per capita income data. It is impossible to extract the Indian data from the non-Indian data and therefore planning is difficult or impossible at the tribal level. There are two alternatives that come to mind that **if** implemented would help alleviate the problems:

1) Each Indian reservation is made into a separate CCD.

   The 20% sample used in CCD's will have to be adjusted upward to get a valid sample in less populous areas.[2]

[2]The question of the sample size being a uniform 20%, and therefore limiting the minimum population of a CCD because of statistical validity considerations, is in conflict with the concept of tribal sovereignty. Many reservations to small to be a CCD will not have their own data available and separable because of this limiting factor. Therefore, the greater question is whether the Census is willing to recognize tribal sovereignty and the Indian right to accessible reservation data and not whether the reservation fits the statistical guidelines. It is a simple matter to raise the sample size to 40%, 50%, or even 100% to insure statistical validity, but it is not simple nor is it right to try to mold the Indian reservation to the preconceived statistical model.

2) The Census makes a special data report available for Enumeration Districts (ED's), which are supposed to coincide with tribal boundaries. This report would contain, among other things, income, work force, and educational data aggregated for planning purposes. It would also be sorted by race so that non-Indian data is separate from Indian.

Some reservations may have numbers too small to avoid violation of the Privacy Act. However, the Privacy Act in this case could hinder planning and development if it prevents the necessary data availability. Could data be made available **only** to tribal governments in this case? Could they still plan? Could the Privacy Act be superseded by the need for tribal data? Perhaps several small reservations (pueblos) would be willing to be grouped together for statistical purposes. This would certainly work better than the groupings with non-Indians in 1970. These are questions that the tribes and the Census Bureau will have to decide. The tribes certainly need to be apprised of the fact that if something is not done to alter the status quo with the Census, then they will again be without useful data for the decade 1980-1990. Most or all planning done by tribes without acceptable demographic information will probably be doomed to failure or at best will be uncertain and unpredictable in outcome. **If** the tribes get behind the Census planning for 1980 through AIPC and on their own, and **if** the Indian people can make themselves heard at the federal (and perhaps Congressional) level, then the 1980's could be fruitful, enlightened times for the Native Americans in New Mexico and the United States.

(APPENDIX H)

POPULATION OF INDIAN RESERVATIONS[1] IN NEW MEXICO

NAME	1973 Population	FY 1975 Adjusted tax
Navajo Tribal Council	50,630	20,373
Isleta Pueblo Council	1,910	0
Zuni Tribal Council	5,258	79,765
Mescalero Apache Tribal Council	1,701	104,182
Jicarilla Apache Representatives	1,524	141,531
Santa Clara Pueblo Council	826	0
San Juan Pueblo Council	1,106	0
Cochiti Pueblo Council	405	0
Jemez Pueblo	1,681	8,318
San Felipe Pueblo Council	1,248	1,831
Sandia Pueblo Council	200	0
Santa Ana Pueblo Council	324	0
Santo Domingo Pueblo Council	2,147	6,400
Zia Pueblo Council	450	0
Nambe Pueblo	312	0
Pojoaque Pueblo Council	98	0
San Ildefonso Pueblo Council	330	907
Pueblo Tesuque Tribal Council	224	0
Picuris Pueblo Council	94	0
Taos Pueblo Council	1,199	0
Laguna Pueblo Council	3,283	3,200
Acoma Pueblo Council	1,964	0
TOTAL	76,914	$366,507

[1]Source: Department of the Treasury, General Revenue Sharing Data Elements, Entitlement Periods 7 and 8